

Prob12C
DMA (3/2005)

**United States District Court
for the District of Massachusetts
Petition and Affidavit for Warrant or Summons for Offender Under Supervision**

Name of Offender: Antonio Cardona**Case Number:** 04-10114**Name of Sentencing Judicial Officer:** Honorable Douglas P. Woodlock, U.S. District Judge**Date of Original Sentence:** 2/14/05

Original Offense: Conspiracy to Distribute Cocaine Base, in violation of 21 U.S.C. § 846 with Playground Violation, in violation of 21 U.S.C. § 860(a); Distribution of Cocaine Base, in violation of 21 U.S.C. 841(a)(1) with Playground Violation, in violation of 21 U.S.C. § 860(a); and Aiding and Abetting, in violation of 18 U.S.C. § 2.

Original Sentence: 30 months' custody with 6 years' Supervised Release**Type of Supervision:** Supervised Release**Date Supervision Commenced:** 7/13/06**Asst. U.S. Attorney:** Patrick M. Hamilton**Defense Attorney:** Edward P. Ryan, Jr.

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|--------------------------------|
|-------------------------|--------------------------------|

I

Violation of Standard Condition #7: The defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

In view of legislation that became effective November 2, 2002, that requires mandatory revocation of probation and supervised release when an offender tests positive 4 times in a given year, the Probation Department is hereby notifying Your Honor of the following:

Mr. Cardona tested positive for marijuana on July 21, 2006. On this date, Mr. Cardona met with the Probation Officer and Supervising Probation Officer, Jonathan Hurtig. Mr. Cardona was advised that he would be referred to AdCare for a substance abuse assessment as a response to his marijuana use. Sci-lab confirmed this test result as new and separate use.

On August 14, 2006, Mr. Cardona tested positive for marijuana. On this date, Mr. Cardona met with the Probation Officer and Supervising Probation Officer, Jonathan Hurtig. Mr. Cardona was instructed to participate in substance abuse treatment at AdCare as a response to his marijuana use. Sci-lab confirmed this test result as new and separate use.

On August 30, 2006, Mr. Cardona tested positive for marijuana, at which he denied new drug use. Sci-lab confirmed this test result as new and separate use.

On September 6, 2006, Mr. Cardona tested positive for marijuana. When confronted with this test result, Mr. Cardona admitted to smoking two joints on September 3, 2006, and one joint on September 4, 2006. Mr. Cardona also admitted that he smoked one joint on August 29, 2006. Mr. Cardona was advised that a summons would be requested for the purpose of scheduling a revocation hearing in response to his ongoing marijuana use.

- II **Special Condition #1:** The defendant shall participate in a program for substance abuse as directed by Probation which program may include testing not to exceed 104 tests per year to determine whether the defendant has reverted to the use of alcohol or drugs. The defendant may be required to contribute to the cost of such program.

Mr. Cardona was placed in the color code program for urinalysis on July 13, 2006. Mr. Cardona failed to submit a urine sample as directed by the U.S. Probation Office on August 4, 2006.

- III **Special Condition #2:** The defendant shall participate in a mental health treatment program as directed by the Probation Department. The defendant shall be required to contribute to the costs of services for such treatment based on the ability to pay or availability of third party payment.

On August 9, 2006, Mr. Cardona failed to attend a mental health intake assessment at Noddle's Island as instructed.

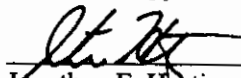
U.S. Probation Officer Recommendation:

The term of supervision should be:

- ☒ Revoked
☐ Extended for year(s), for a total term of years.

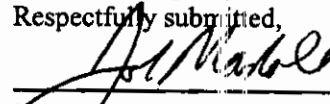
I declare under penalty of perjury that the foregoing is true and correct.

Reviewed/Approved by:


 Jonathan E. Hurtig
 Supervising U.S. Probation Officer

Respectfully submitted,

By


 John G. Marshall
 U.S. Probation Officer
 Date: 9/8/06

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other


 Signature of Judicial Officer

September 12, 2006
 Date